IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6697 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE K.M.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

MAHENDRABHAI DEVJIBHAI CHAUHAN

Versus

JODIA TALUKA PANCHAYAT

Appearance:

MR MUKESH H RATHOD for Petitioner

MR PV HATHI for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE K.M.MEHTA

Date of decision: 13/03/2001

ORAL JUDGEMENT

1. Shri Mahendrabhai Devjibhai Chauhan, petitioner has filed this petition challenging the order of termination dated 20-8-1999 passed by the Taluka Development Officer, Jodia, by which he was relieved from

the part-time services from I.R.D. Department. It was his case in the petition that formerly he was working as part-time employee for two hours a day for the respondent from 1-10-1984 and ultimately from 1986 he has started working for eight hours a day. He remained in service continuously without any break and his service was satisfactory and also recommended by Executive Committee of respondents to give him full time job on permanent basis.

2. On behalf of respondents No.1 and 2, affidavit-in-reply has been filed through one Mr.Champaneria, Taluka Development Officer, Jodia dated 7-10-1999. In para 2 of the affidavit-in-reply, it is specifically stated that in view of the provisions of Industrial Disputes Act, the petitioner has not availed of an alternative remedy and he has not approached the Industrial Court before approaching this Court. The respondents have denied certain facts, so present petition has raised disputed questions of facts regarding the period of service and length of service and, therefore, the present petition cannot be entertained at this stage. The petitioner has also filed affidavit-in-rejoinder dated 2-2-2000.

3. Without adjudicating the matter on merits of the matter, I direct the petitioner to approach the Industrial Court/Labour Court as advised, because he has not approached the Industrial Court before approaching this Court and Industrial Court/Labour Court provide alternative, efficacious, convenient and cheap remedy provided under Industrial law and the petitioner has raised facts for which respondents have disputed. The Industrial Court/Labour Court have jurisdiction to receive oral as well as documentary evidences in this behalf, so that the Court can deal with disputed questions of facts.

4. With the aforesaid observations and directions, the petition is disposed of. Rule discharged. No order as to costs.

13-3-2001 (K. M. Mehta, J.)

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